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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

HARPER, KEVIN C

ART UNIT

PAPER NUMBER

2666

DATE MAILED: 01/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/997,626

Applicant(s)

SULLIVAN ET AL.

Examiner

Kevin C. Harper

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 October 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 10 and 14-25 is/are rejected.
- 7) ☒ Claim(s) 5-9 and 11-13 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Response to Arguments

Applicant's arguments, filed October 25, 2005 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Joffe. In Joffe each port (transmission line interface) includes a traffic scheduler (fig. 10, item 122) based on hierarchical levels (fig. 10, items 120 and 122). The schedule includes transmission slots (figs. 5 and 7)

Claim Rejections - 35 USC § 102

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1-3, 10, 14, 19 and 21 are rejected under 35 U.S.C. 102(e) as being anticipated by Joffe (US 6,014,367).

1. Regarding claims 1, 10, 14, 19 and 21, Joffe discloses a telecommunications system having a network element including a port for connection to a transmission line of a network (fig. 14, PIF; col. 1, lines 11-13), several transmission line interfaces (fig. 10, 122; note: each channel or virtual tunnel has a scheduler for associated virtual circuits; col. 4, lines 52-57) each having a scheduler to transmit traffic in a port transmission slot (figs. 5 and 7) allocated to the interface (fig. 10, item 120; note: each virtual path as an associated bandwidth - item 122), a storage medium (fig. 14, control memory), and an interface controller stored in the storage medium to selectively couple the transmission line interface to the port (col. 5, lines 17-25; col. 4, lines 52-57) and to allocate the port slots to each transmission line interface coupled to the port (fig. 10, item 120). The slots are hierarchical (fig. 10; note: slots assigned to ports first and then divided among VCs)

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2. Regarding claim 2, several transmission lines are coupled to each port (fig. 14).
3. Regarding claim 3, the network is ATM (col. 1, lines 6-9).

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Joffe (US 6,014,367) in view of Christie (US 6,633,561).

4. Joffe discloses an ATM network element (fig. 14). However, Joffe does not disclose that the network element is a telephony switch. Christie discloses ATM network elements (fig. 3, items 360-366) as telephony switches (col. 10, lines 7-11 and 25-27). Therefore, it would have been obvious to one skilled in the art at the time the invention was made to have a telephony switch in the invention of Joffe in order to carry telephony data through the ATM switch (Christie, col. 2, lines 60-63; col. 3, lines 15-18).

Claims 15-18, 20, 22 and 24-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Joffe (US 6,014,367) in view of Ganmukhi (US 5,580,399).

5. Regarding claims 15-18 and 24-25, Joffe discloses scheduling data traffic virtual circuits (fig. 11). However, Joffe does not disclose transmitting dynamic and dedicated traffic. Ganmukhi discloses scheduling dynamic data traffic (fig. 1, ABR, VBR, UBR queues; col. 9, lines 37-46) and dedicated data traffic (fig. 1, CBR queues; col. 9, lines 16-18) associated with virtual circuits. Therefore, it would have been obvious to one skilled in the art at the time the invention was made to have dedicated and dynamic data traffic scheduling in the invention of Joffe in order to accommodate different traffic types (Ganmukhi, col. 4, lines 9-15).

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6. Regarding claims 20 and 22, Joffe discloses scheduling data traffic (fig. 11). However, Joffe does not disclose separately queuing traffic for each scheduler. Ganmukhi discloses separately queuing traffic for different schedulers (figs. 1-2). Therefore, it would have been obvious to one skilled in the art at the time the invention was made to separately schedule traffic for each scheduler in the invention of Joffe in order to handle data traffic with differing QoS requirements (Ganmukhi, col. 2, lines 20-23).

Allowable Subject Matter

7. Claims 5-9, 11-13 and 23 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin Harper whose telephone number is 571-272-3166. The examiner can normally be reached weekdays from 11:00 AM to 7:00 PM ET.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Seema S. Rao, can be reached at 571-272-3174. The centralized fax number for the Patent Office is 571-273-8300. For non-official communications, the examiner's personal fax number is 571-273-3166 and the examiner's e-mail address is kevin.harper@uspto.gov.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

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applications associated with a customer number is available through Private PAIR only. For more information about the PAIR system, see portal.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Kevin C. Harper

January 9, 2006